



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.41

AMARAVATI, THURSDAY, OCTOBER 13, 2022

G.945

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A.P.STATE WAQF BOARD**

4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.07 / GNT / T / 2011 / Z-V.

Date: 19-09-2022.

GUNTUR DISTRICT AND TOWN - CHINNA MOULA PANJA (ASHOORKHANA)
SITUATED AT CHINNA BAZAR - Sri SHAIK. KHADAR BABA APPOINTED
AS MUTAWALLI U/Sec.63 OF WAQF ACT, 1995 FOR A PERIOD OF
THREE (3) YEARS.

- Read :
1. Boards Proceedings dated.15-11-2018.
 2. Representation of Sri. Shaik.Khader Baba dated: 15-09-2020.
 3. This office Memo dated:23-09-2020.
 4. Report of the I.A.Waqf, Guntur Dist vide Lr. No.115/WAQF/GNT/2010, dated.21-10-2020.
 5. Memo No. MNWO1-MMOWAQF (RM)/8/2020-IDM, dt.16-11-2020 along with representation of Sri.Shaik. Khader Baba, dated.Nil
 6. Representation of Sri. Shaik.Khader Baba dated: 25-01-2022.
 7. Board's Resolution No.152 of 2022, dated:22-03-2022.
 8. Board's Resolution No.310 of 2022, dated:19-05-2022.
 9. Board's Resolution No.356 of 2022, dated:24-08-2022.
 - 10.Orders of the Hon'ble Chairperson, APSWB, dated.19-09-2022.

ORDER :

The Ashoor Khana namely called as Chinna Moula Panja situated at Chinna Bazar, Guntur City & District is having an extent of Ac.11.06 cents in Sy No. 423 are notified as Waqf Property and got published in A.P.Gazette No.26, dated.28-06-1962 at serial No.818 and subsequently Gazette No.9 dated.26-02-2015 at serial No.38 at page No.94 were also published, under Mutawalliship of Abkhan Saheb. The Rule of Succession to the office of the Mutawalli specified as Custom the post is hereditary. Further addendum notification published in AP Gazette No.9, dt.26-02-2015 read as Column No.2 Ashurkhana and Mohammadan's Tombs and Column No.9 asTDNo..26 Sy.No.423 ext.11.06 cts of Guntur Village and Addl Waqf property including as Town Survey register TS No.253 to an extent of 19824 Sq.ft classified as Mohammadian's Tombs related to Chinna Moula Panja, Chinna Bazar, Guntur Town and District.

The A.P. State Waqf Board, Vijayawada has appointed to Sri. Shaik Khadar Baba as Mutawalli to the subject institution U/section 63 of Waqf Act, 1995 for a period of (2) years vide Proceedings No.07/GNT/T/2011-Z-V, dated.15-11-2018 and the period was expired on 14-11-2020.

Sri.Shaik.Khader Baba, Mutawalli has submitted a representation vide reference 2nd read above and requested to extend his period for long time to protect the Waqf property from the encroachment & land grabbers and also to contest the legal cases pending at District Court at Guntur and also to High Court.

In the ref. 3rd read above, this office has issued a Memo to Inspector Auditor Waqf, Guntur District for calling detailed report in the subject matter.

Accordingly, the I.A. Waqf, Guntur District has submitted his reported vide ref. 4th read above, that by mentioned the afore said facts and also OS No.303/2014,471/2018 and CRP No.5844/2016 are pending before the Hon'ble 3rd Addl. Junior Civil Judge, Guntur and High Court for pursuing Cases by the Mutawalli and also Co-operating to the District Waqf Officials. The Government has sanctioned & released an amount of Rs. 4.00. Lakhs towards Grant-in-Aid for renovation of Dargah in T.S.No.253 of Guntur on hectic persuasion of the Mutawalli.

The I.A.Waqf, Guntur District further reported that Sri Shaik Khadar Baba, Mutawalli and his family members are regularly cleaning Dargah & offering fateha and also perform Annual Urs of Gharme Shareef without any allegations. Further Sri Shaik Khader Baba has submitted proposals to Government for construction of New Walls around burial ground instead of old wall and the same is pending before Govt. The I.A.Waqf, Guntur District requested to extend his term as Mutawalli U/section 63 of Waqf Act, 1995.

In the reference 5th read above, the Principal Secretary to Government, Minorities Welfare Department has requested this office duly enclosing the application of Sri Shaik Khader Baba, Mutawalli of Subject institution and requested to examine the subject matter.

Further Sri.Shaik Khader Baba has submitted representation on 25-01-2022 vide ref.6th read above to recognize him as Mutawalli U/sec. 42 of Waqf Act, 1995 to develop the institution and to protect the Waqf property.

The subject matter has been placed before the Board in its meeting held on 22-03-2022 and the Board resolved vide resolution No.152 of 2022, dated:22-03-2022 vide ref. 7th read above to refer the matter to the Towliath Committee for scrutiny and recommendations and it is further resolved to place before the next Board along with the recommendations of the Towliath Committee for discussion and decision.

Further, the Board resolved vide resolution No. 310 of 2022, dated.19-05-2022 to place all subject matters before the subsequent Board meeting which were referred to the Sub Committees earlier.

Accordingly, the subject matter has been placed before the Board and the Board was passed resolution No. 356 of 2022, dated.24-08-2022 vide in the ref.9th read above to appoint Sri. Shaik.Khadar Baba as Mutawalli U/sec. 63 of Waqf Act, 1995 for a period of (3) years for Chinna Moula Panja (Ashoorkhana) at Guntur Town & District.

Accordingly, Sri.Shaik.Khadar Baba is hereby appointed as Mutawalli to Chinna Moula Panja (Ashoorkhana) at Guntur Town & District U/sec. 63 of Waqf Act, 1995 for a period of three (3) years for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.

- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To
Sri.Shaik.Khadar Baba,
Mutawalli of Chinna Moula Panja (Ashoorkhana) ,
Guntur Town & District.

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